CMP Nos. 13409, 13410 & 13412 of 2021 in RFA No. 54 of 2004

18.11.2021 Present: M/s Sumesh Raj, Adarsh Sharma & Sanjeev Sood, Additional Advocate Generals, with Mr. Kamal Kant Chandel, Advocate, for the appellants/non-applicants.

M/s Anirudh Sharma and P.S. Kanwar, Advocates, for the respective respondents/applicants.

CMP No. 13410 of 2021

By way of this application, a prayer has been made to place on record the amended memo of parties, as it stands mentioned in the application that the name of applicant Ashish Sen, who was a minor at the time when the present appeal was filed and decided, could not be reflected in the memo of parties, as at the time of filing the application to bring on record legal representatives of late Sh. Bhup Singh, exemption was sought in the application from filing complete memo of parties at the relevant time.

Learned counsel has drawn the attention of the Court to order dated 12.07.2004, passed by this Court in CMP No. 610 of 2004, which reads as under:-

"CMP No. 610 of 2004

Heard. There is no objection in release of the amount to the claimants, as the appeal has been finally decided. One of the claimants Ashish Sain is minor. His share shall remain deposited in the fixed deposit, till he attains majority. Respective shares of the remaining claimants be released to them by remitting the same to their saving bank account(s), the numbers whereof have been given in the application, except claimants Satinder Singh and Mohinder Singh in respect of which,

saving bank account numbers shall be supplied by the learned counsel for the claimants within two days to the Registry. The application is disposed of."

From the above, it is evident that Ashish Sen was, indeed, one of the claimants. In this view of the matter, this application is allowed, as prayed for and amended memo of parties is ordered to be taken on record. Application stands disposed of.

CMP No. 13409 of 2021

By way of this application, applicant Ashish Sen has prayed that as he has attained the age of majority, therefore, he may be permitted to pursue the case in his own capacity. In order to substantiate the fact that the applicant has attained the age of majority, he has appended his Matriculation Certificate with the application, which demonstrates that his date of birth is 20.12.1993

In view of the averments made in the application as well as taking into consideration the documents appended with the same, this application is allowed, as prayed for and the applicant is permitted to pursue the case in his own capacity. The application stands disposed of.

CMP No. 13412 of 2021

By way of this application, the applicant-Ashish Sen has prayed for release of amount in his favour.

Having heard learned counsel for the parties and after perusing the averments made in the application, the

same is allowed and amount falling to the share of the applicant alongwith up-to-date interest, is directed to be released in his favour. The amount be remitted directly into the bank account, as per particulars mentioned in the application. The application stands disposed of.

(Ajay Mohan Goel)
Judge

November 18, 2021
(bhupender)